

On September 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 barrels of cocoa, remaining in the original unbroken packages at Union City, N. J., alleging that the article had been shipped by M. Bernstein, Brooklyn, N. Y., on or about August 31, 1931, and had been transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, excessive shell material, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement on the label, "Pure Cocoa," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On November 9, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19010. Adulteration and misbranding of canned shrimp. U. S. v. 370 Cases of Canned Shrimp. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26874. I. S. No. 34136. S. No. 5053.)

Examination of samples of canned shrimp from the shipment herein described having shown that the article contained excessive brine and that the drained weight of the contents of the cans was less than the weight declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On August 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 370 cases of canned shrimp at New York, N. Y., alleging that the article had been shipped by the Southern Shell Fish Co. (Inc.), Harvey, La., on or about July 1, 1931, and had been transported from the State of Louisiana into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Palm Brand Barataria Shrimp Packed by Southern Shell Fish Co., Harvey La., U. S. A. Wet Pack 5¾ Oz. Net Weight."

It was alleged in the libel that the article was adulterated in that a substance, an excessive quantity of brine, had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement on the can, "Wet Pack 5¾ Oz. Net Weight," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement was placed in an inconspicuous position on the label, and was not correct.

On November 5, 1931, the Southern Shell Fish Co., Harvey, La., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled under the supervision of this department, so that the following statement appear conspicuously on the can label: "Slack Filled Minimum Contents 5¼ Ozs. This Size Can Should Contain 5¾ Ozs. Shrimp," and further conditioned that the product should be disposed of by the claimant only in compliance with the law, State and Federal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19011. Adulteration of canned salmon. U. S. v. 820 Cases of Coho Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27042. I. S. No. 22370. S. No. 5273.)

Samples of canner salmon from the shipment herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On October 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 820 cases of canned salmon, remaining in the original unbroken